

109TH CONGRESS
2D SESSION

H. R. 5438

To amend the Public Health Service Act to transfer the National Disaster Medical System to the Department of Health and Human Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2006

Mr. BARTON of Texas (for himself and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to transfer the National Disaster Medical System to the Department of Health and Human Services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Health and
5 Medical Emergency Coordination Act of 2006”.

1 **SEC. 2. TRANSFER OF NATIONAL DISASTER MEDICAL SYS-**
2 **TEM.**

3 (a) AMENDMENT TO PUBLIC HEALTH SERVICE
4 ACT.—Section 2811(b) of the Public Health Service Act
5 (42 U.S.C. 300hh–11(b)) is amended by adding at the end
6 the following:

7 “(4) TRANSFER.—Upon the transfer of the
8 functions, personnel, assets, and liabilities of the Na-
9 tional Disaster Medical System as required by sec-
10 tion 2(b) of the Public Health and Medical Emer-
11 gency Coordination Act of 2006, this section shall be
12 in effect as if sections 502(3)(B) and 503(5) of the
13 Homeland Security Act of 2002 had not been en-
14 acted.”.

15 (b) TRANSFER.—Not later than 9 months after the
16 date of the enactment of this Act, the functions, personnel,
17 assets, and liabilities of the National Disaster Medical
18 System shall be transferred to the Department of Health
19 and Human Services.

20 (c) DEFINITIONS.—For purposes of this section:

21 (1) The term “assets” includes contracts, facili-
22 ties, property, records, unobligated or unexpended
23 balances of appropriations, and other funds or re-
24 sources (other than personnel).

1 (2) The term “functions” includes authorities,
2 powers, rights, privileges, immunities, programs,
3 projects, activities, duties, and responsibilities.

4 (3) The term “personnel” means officers and
5 employees.

6 (d) CONFORMING AMENDMENTS.—Sections
7 502(3)(B) and 503(5) of the Homeland Security Act of
8 2002 (6 U.S.C. 312(3)(B), 313(5)) are amended by strik-
9 ing the term “, the National Disaster Medical System,”
10 each place such term appears.

11 **SEC. 3. COORDINATION OF PREPAREDNESS FOR AND RE-**
12 **SPONSE TO BIOTERRORISM AND OTHER PUB-**
13 **LIC HEALTH AND MEDICAL EMERGENCIES.**

14 (a) FINDINGS.—The Congress finds as follows:

15 (1) The National Response Plan developed pur-
16 suant to section 502(6) of the Homeland Security
17 Act of 2002 (6 U.S.C. 312(6)) designates the De-
18 partment of Health and Human Services as the pri-
19 mary agency for purposes of emergency support
20 function 8.

21 (2) The purpose of emergency support function
22 8 is to provide a mechanism for coordinated Federal
23 assistance to supplement State, local, and tribal re-
24 sources for public health and medical needs relating
25 to potential and actual Incidents of National Signifi-

1 cance and other potential public health and medical
2 situations.

3 (b) PRIMARY AGENCY.—Section 2811 of the Public
4 Health Service Act (42 U.S.C. 300hh–11) is amended—

5 (1) by redesignating subsections (c) through (h)
6 as subsections (d) through (i), respectively;

7 (2) in paragraphs (1) and (2) of subsection (e),
8 by striking the term “subsection (d)” each place
9 such term appears and inserting “subsection (e)”;
10 and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) PRIMARY AGENCY.—The Department of Health
14 and Human Services shall be the primary agency for the
15 coordination of Federal assistance to supplement State,
16 local, and tribal resources for preparing for, or responding
17 to, a bioterrorist attack or other public health or medical
18 emergency.”.

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